

Message Text

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ACTION EUR-25

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NSAE-00 PA-03 RSC-01 PRS-01 GAC-01 USIA-12 TRSE-00

MBFR-03 SAJ-01 H-02 NSC-10 SS-15 ACDA-19 IO-12 OMB-01

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C O N F I D E N T I A L HELSINKI 1161

E. O. 11652: GDS

TAGS: PFOR, OCON

SUBJECT: CSCE: SWISS ARBITRATION PROPOSAL/ MEASURES TO

" IMPLIMENT" PRINCIPLES.

1. BEGIN SUMMARY: IN BASKET I DISCUSSIONS THIS WEEK, SOVIETS
SOUGHT (A) TO EMASCULATE MANDATE LANGUAGE ON SWISS ARBITRATION

PROPOSAL AND (B) TO TIE OFFER TO ACCEPT SOME CSCE DISCUSSION OF
SWISS PROPOSAL TO A BROADENING OF THIS PORTION OF MANDATE TO
INCLUDE OTHER MEASURES TO " IMPLEMENT" PRINCIPLES OF INTER- STATE
RELATIONS - MOST NOTABLY BY ADDITION OF ITEM (DRAWN FROM ORIGINAL
SOVIET MANDATE PROPOSAL) COVERING " DEVELOPMENT OF MULTILATERAL
AND BILATERAL POLITICAL CONSULTATIONS." NATO 15 ALSO
SOUGHT TO SOFTEN SWISS LANGUAGE, AND OUTLINE OF COMPROMISE

BEGAN TO EMERGE. ALLIES WERE PARTIALLY SUCCESSFUL IN
MAINTAINING FOCUS OF THESE DISCUSSIONS ON SWISS PROPOSAL
ITSELF, BUT QUESTION IS NOW JOINED ON ISSUE
OF A BROADER MANDATE COVERING POLITICAL CONSULTATION. DISCUSSION
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OF PRINCIPLES MANDATE ITSELF WILL BE COVERED IN SEPTTEL.
END SUMMARY.

2. MANDATE ON SWISS PROPOSAL: SWISS OPENED DISCUSSIONS BY
TABLING ON APRIL 30 REVISED TEXT OF THEIR PROPOSAL READING:
" IN ACCORDANCE WITH ARTICLE 33, PARAGRAPH 1, OF THE UNITED NA-

TIONS CHARTER AND IN ORDER TO GIVE POSITIVE EXPRESSION TO THE PRINCIPLE OF REFRAINING FROM THE THREAT OR USE OF FORCE, THE COMMITTEE/ SUB- COMMITTEE IS CHARGED WITH THE TASK OF UNDERTAKING, AS A SPECIFIC ITEM OF ITS AGENDA, THE ELABORATION OF A SYSTEM

FOR THE PEACEFUL SETTLEMENT OF DISPUTES AMONG PARTICIPATING

STATES." REFERENCE TO UN CHARTER EVOKED NO OBJECTIONS. WHILE REFERENCE TO NON- USE OF FORCE WAS PLEASING TO ROMANIANS, IT ENJOYED LITTLE SUPPORT FROM OTHERS (INCLUDING SOVIETS AND OURSELVES). SWISS EXPLAINED THAT " UNDERTAKING... ELABORATION OF A SYSTEM" IS TO BE INTERPRETED MERELY AS CALL FOR A DETAILED DISCUSSION LEADING TO A RECOMMENDATION TO CSCE THIRD PHASE THAT IT

ENDORSE CONTINUATION OF THE EFFORT. THERE WAS NEVERTHELESS CONSIDERABLE EFFORT, BOTH BY SOVIETS AND NATO 15, TO SOFTEN THIS PASSAGE. REFERENCE TO " SPECIFIC ITEM OF ITS AGENDA" INCLUDED BY SWISS AS WEDGE TO OBTAIN CONSIDERATION OF THEIR PROPOSAL IN A SEPARATE CSCE SUB- COMMITTEE AND WILL BE DROPPED IF THAT GOAL ACHIEVED.

3. BASED ON BROAD CONSENSUS IN NATO CAUCUS, NORWEGIANS TABLED ON MAY 2 AMENDED TEXT, TO WHICH WE AND VARIOUS OTHERS GAVE GENERAL SUPPORT. THIS READS: " IN ACCORDANCE WITH ARTICLE 33, PARAGRAPH 1, OF THE UNITED NATIONS CHARTER, THE COMMITTEE/ SUB-COMMITTEE IS CHARGED WITH THE TASK OF ELICITING A DETAILED EXAMINATION WITH A VIEW TO THE ELABORATION OF A SYSTEM FOR THE PEACEFUL SETTLEMENT OF DISPUTES AMONG PARTICIPATING STATES, AS A SPECIFIC ITEM OF ITS AGENDA." WE ALSO SUGGESTED THAT " A SYSTEM" MIGHT BE REPLACED BY " MEASURES" AS IN SOVIET DRAFT (SEE BELOW).

4. SOVIET EFFORT TO CONSTRUCT A MANDATE ON IMPLEMENTATION OF
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PRINCIPLES: SOVIET REP. (MENDELEVICH) SOUGHT AT OUTSET TO BROADEN FOCUS OF THESE DISCUSSIONS BY LISTING FIVE PROPOSALS MADE EARLIER IN MPT AS APPROPRIATE FOR INCLUSION IN A SECTION OF THE BASKET I MANDATE WHICH WOULD COVER " IMPLEMENTATION" OF PRINCIPLES OF INTER- STATE RELATIONS. IN ADDITION TO SWISS PROPOSAL, THESE WERE

(IN ORDER OF SOVIET PRESENTATION): (1) A CSCE EXHORTATION TO EARLY PEACEFUL SETTLEMENT OF EXISTING DISPUTES (USSR); (2) AN APPEAL FOR ADAPTATION OF DOMESTIC LEGISLATION TO PROMOTE SECURITY AND COOPERATION (USSR, ROMANIA); (3) DEVELOPMENT OF BILATERAL AND MULTILATERAL POLITICAL CONSULTATIONS AMONG STATES (USSR, ROMANIA); AND (4) ASSUMPTION OF BILATERAL AND MULTILATERAL UNDERTAKINGS ON NON- RECOURSE TO FORCE OR THREAT OF FORCE (ROMANIA). SOVIET FOCUS WAS CLEARLY ON ITEM 3, AS WELL AS ON SINKING SWISS PROPOSAL IN MORASS OF A LARGER DEBATE. MENDELEVICH ARGUED THAT TASK OF CSCE IS NOT TO DRAFT SPECIFIC AGREEMENTS BUT TO ADOPT PRINCIPLES AND POINT TO NEED FOR FURTHER ACTION IN SPE-

CIFIC AREAS; MANDATE LANGUAGE SHOULD REFLECT THIS APPROACH.

5. ROMANIANS TABLED PAPER CONFIRMING THEIR INTEREST IN ITEMS 2-4, AND SOUGHT TO FOLD SWISS PROPOSAL INTO A MORE GENERAL FRAMEWORK CALLING FOR " ENSURING THE SETTLEMENT OF EXISTING OR POSSIBLE FUTURE DIFFERENCES BY EXCLUSIVELY PEACEFUL MEANS, AS A LOGICAL CONSEQUENCE OF AND NECESSARY COMPLEMENT TO REFRAINING FROM THE USE OR THREAT OF FORCE."

6. VARIOUS ALLIED REPS., JOINED BY SWEDE, SOUGHT WITH SOME SUC-

CESS TO MAINTAIN FOCUS OF DISCUSSION ON SWISS PROPOSAL, WHILE EXPRESSING DOUBTS ABOUT " DIAPHANOUS" BROADER PROPOSALS FOR PRINCIPLES IMPLEMENTATION. MENDELEVICH PERSISTED BY READING OUT AS ILLUSTRATION OF DESIRED APPROACH LANGUAGE FOR BROAD PRE- AMBLE TO THIS SECTION OF MANDATE:" THE COMMITTEE IS CHARGED WITH THE TASK TO DESIGN MEASURES TO PROMOTE IMPLEMENTATION OF THE PRINCIPLES ON THE RELATIONS BETWEEN PARTICIPATING STATES

ADOPTED BY THE CONFERENCE. IN THIS CONNECTION, IT SHALL CONCEN- TRATE ON THE FOLLOWING:"

7. THIS, HE SAID, WOULD BE FOLLOWED BY SEVERAL PARAS., FIRST OF WHICH COULD BE PEACEFUL SETTLEMENT (SWISS PROPOSAL), ALONG
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FOLLOWING LINES: " PROPOSALS AIMING AT THE ELABORATION, IN ACCOR- DANCE WITH ARTICLE 33, PARAGRAPH 1, OF THE UN CHARTER, OF MEASURES FOR THE PEACEFUL SETTLEMENT OF DISPUTES AMONG PARTICIPATING

STATES." HE ARGUED FURTHER THAT SWISS PROPOSAL SHOULD BE TREATED AT THE SAME LEVEL AND IN SAME MANNER AS OTHER PROPOSALS.

8. ASKED DIRECTLY BY SWISS COORDINATOR OF MINI- GROUP IF SOVIETS WERE PROPOSING TO MOVE THEIR BASKET IV PROPOSAL TO BASKET I, MENDELEVICH REPLIED THAT BASKET IV SHOULD PROVIDE FOR MULTI- LATERAL POLITICAL CONSULTATION AS ONE OF VARIOUS TASKS OF A CONSULTATIVE COMMITTEE, WHEREAS BASKET I WOULD ENCOURAGE THE CONTINUATION OF THE PROCESS OF BILATERAL AND MULTILATERAL CONSULTATIONS WHICH ALREADY UNDERWAY. THUS THERE WOULD BE ONLY MINIMAL OVERLAPPING OF THE TWO ACTIVITIES. SWISS, FOR FIRST TIME AT MPT, OPENLY ANNOUNCED THAT THEY HAVE IN MIND A SYSTEM DEALING WITH NON- JUSTICIABLE AS WELL AS JUSTICIABLE DISPUTES.

9. DISCUSSION WAS ADJOURNED ON THIS NOTE TO NEXT WEEK, WITH SWISS COORDINATOR UNDERTAKING TO PREPARE ANONYMOUS LIST OF VARIOUS PROPOSALS AS BASIS FOR AN INFORMAL DRAFTING EFFORT BY INTERESTED REPS.
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